

BOARD *of* ADJUSTMENT



Joe Bazzoli
Commission Chair

~ Meeting Agenda ~

Mike Ray
Staff Liaison

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Tuesday
August 20, 2019

5:30 PM

Council Chambers
221 E 2nd Street

Call to order

1. **Approval of Minutes from August 8, 2019**

ACTION: Approve minutes as presented; approve minutes with amendments; or provide staff further direction.

2. **Approval of Relevant Criteria and Standards [ACTION ITEM]:**

1. **Proposal for a Variance at 412 E Third Street - LUP2019-0026**

ACTION: Review the draft Relevant Criteria and Standards document and approve the document; or approve the document with modifications; or provide Staff further direction as deemed necessary.

3. **Board Communications**

4. **Other Business**

Adjournment

NOTICE: Moscow City Council Commission meetings can be televised, videotaped and/or recorded. Individuals attending the meeting who require special assistance to accommodate physical, hearing, or other impairments, please contact the City Clerk, at (208) 883-7015 or TDD 883-7019, as soon as possible so that arrangements may be made.

BOARD of ADJUSTMENT



Joe Bazzoli
Commission Chair

~Meeting Minutes~
August 8, 2019

Leah Carlson
Staff Liaison

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<http://www.ci.moscow.id.us/354/Board-of-Adjustment>

The meeting was called to order at 7:00 PM

MEMBERS PRESENT: Mark Monson, Vice Chair; Annette Bieghler, Steve Bush, Marshall Comstock, Tim Thomson

MEMBERS ABSENT: Joe Bazzoli, Laurene Sorensen

STAFF IN ATTENDANCE: Mike Ray

1. Approval of Minutes from July 18, 2019. (Heard as Item 2)

Bush moved approval of the minutes as presented.

RESULT:	ACCEPTED BY ACCLAMATION
MOVER:	Bush
SECONDER:	Bieghler
AYES:	Bieghler, Bush, Comstock, Monson
ABSTENTIONS:	Thomson

2. Approval of Relevant Criteria and Standards: (Heard as Item 3)

a. Proposal for a Variance at 102 North Lilly Street – LUP2019-0022

b. Proposal for a Conditional Use Permit at 1428 South Blaine Street – LUP2019-0018

Comstock moved approval of both RCS documents.

RESULT:	APPROVED BY ROLL CALL
MOVER:	Comstock
SECONDER:	Bush
AYES:	Bieghler, Bush, Comstock, Monson
ABSTENTIONS:	Thomson

3. Public Hearing: Proposal for a Variance 412 E Third Street - LUP2019-0026

Variance application to waive additional off-street parking requirements for the renovation of the remaining floors of the 1912 Center, located at 412 E Third Street.

Ray presented the proposal by explaining the subject property is approximately one acre in size, surrounded by First, Third, Van Buren and Adams Street, and neighbors include the Methodist and Unitarian Churches, Moscow High School, and single- and multi-family housing. Existing parking surrounding much of the building is adequate for the already-occupied ground and first floors. Ray outlined the history of the building's use from its dedication in 1912 to present day. It was placed on the National Register of Historic Places in 1992 and the City acquired it in 1998 to serve as a community center. A 2000 CUP allowed a portion of the required parking to be located in the Jefferson lot between Second and Third Streets. A concurrent Variance allowed additional parking in the street right-of-way and the front and side yard setbacks, and to reduce the required landscaping. In 2003, several institutional buildings near downtown were rezoned from R-4 (multi-family) and RO to GB, with the primary goal being to promote the retention

of these institutional uses in their current locations as permitted uses, with the belief that such retention promoted downtown area activity and sense of community centralization. The Comprehensive Plan designation of the subject property is Civic/Institutional and other adjacent properties are designated Urban Residential. The 1912 Center currently has 37 parking spaces on-site and 30 off-site spaces at the Jefferson Street lot which are limited to evenings and weekends. Ray displayed an illustration of the proposed layout of the second and third floors, and a chart outlining the required parking calculations for uses designated "Neighborhood and Community Center." At full building occupancy, 180 parking spaces would be required if all rooms are in use at the same time. Staff remained neutral on the Variance request.

Comstock asked if it wasn't true that Moscow High School obtained parking variances in conjunction with their two most recent renovations, and Ray said yes. Thomson asked if the City Hall lot could be considered an option during nights and weekends. Ray said it's further than 500 feet away so couldn't receive designated credit, but agreed it is an open public parking lot after hours.

Monson opened the public hearing at 7:16 p.m.

Dwight Curtis, City Parks & Recreation Director, said he is the City Liaison for this project because the 1912 Center falls under his department as a city facility.

Jenny Kostroff, 416 N Lincoln Street, is the Executive Director of Heart of the Arts which is the company selected by the City to run, maintain and grow the 1912 Center. She provided additional explanation of the anticipated uses for the renovated space. The Auditorium and Reception Hall might often be used concurrently for the same attendees, thereby reducing the parking impact. For example, a wedding could be held in the Auditorium and the reception in the Great Room, but the parking impact would be equivalent to only one of those uses because it would involve the same people. Kostroff said they would manage their programming to prevent competing events from overloading the parking demand. She added that they look at "the big picture" to see how activities work within the whole neighborhood, and as a good neighbor they allow nearby churches and schools to use their parking lots when the 1912 Center is closed.

Comstock inquired about the typical schedule of current programming. Kostroff said many of the activities are on evenings and weekends except for Senior Meals on Tuesday/Thursdays and other occasional weekday uses such as KinderMusic, karate and home school groups. She mentioned partnering with local hospitality locations in the future to provide shuttle service for daytime conference needs. Monson asked her timeframe for occupancy of the second floor and Kostroff replied August 2021 if bids come in within budget. If not, they will renovate room-by-room. Bush asked for more details about the Flex Classrooms. Kostroff said her desire is to design with the greatest flexibility possible to serve whatever needs arise by time the space is actually built. The Flex Classrooms could be used for meetings but also overflow space for the card-playing groups. Thomson asked about the building's current staffing. Kostroff is the only full-time staff and there are two part-time janitors. Four to five part-time event coordinators are scheduled based on specific events, and are paid directly from event income.

Stephanie Clarkson, 110 S Van Buren Street, is a board member for Heart of the Arts but wished to speak as a neighbor and community member. She supported the application even though she is affected by all the high school activities, church gatherings and 1912 Center events. She felt that was all part of living on the edge of the urban center of an active community.

The public hearing closed at 7:38 p.m.

Comstock was involved in development of the building at its inception and said the parking limitation was acknowledged even during early stages of building renovation. The City Engineering Department conducted a parking evaluation at that time, including the surrounding streets and other nearby parking. They considered making Second Street one-way and installing perpendicular parking, but that would only

have created two additional spaces. He said even though the City Hall parking lot is greater than 500 feet from the subject property, the analysis concluded that people would likely use that lot as well as the County Courthouse parking lot. Thomson was excited about Kostroff's plans for the building. He said as a relative newcomer to Moscow, he gave the City tremendous credit for having the vision for full use of the building. He didn't think it was a major issue if people had to walk a bit to get there. Bush said the building was a real asset to the community. Monson acknowledged that parking requests near the downtown area typically generate a roomful of people, but he surmised from tonight's small attendance that people weren't concerned about this application. Bieghler said it was a well thought-out vision for the building and the benefit to the community will far outweigh the need to walk further. Monson appreciated Kostroff's explanation of how they plan to use the rooms efficiently to minimize the parking impact.

Comstock moved approval of the Variance with no conditions and directed staff to prepare the Reasoned Statement of Relevant Criteria and Standards.

RESULT:	APPROVED BY ROLL CALL [UNANIMOUS]
MOVER:	Comstock
SECONDER:	Thomson

4. Board Communications

Ray will communicate with the Board via email to schedule the next meeting to approve the RCS from tonight's hearing.

Adjournment

The meeting adjourned at 7:47 pm.

Mark Monson, Vice Chair

Date

**BEFORE THE BOARD OF ADJUSTMENT
OF THE CITY OF MOSCOW, COUNTY
OF LATAH, STATE OF IDAHO**

REASONED STATEMENT OF RELEVANT CRITERIA AND STANDARDS

**REASONED STATEMENT OF RELEVANT CRITERIA AND STANDARDS REGARDING A
VARIANCE REQUEST TO WAIVE ADDITIONAL OFF-STREET PARKING REQUIREMENTS
FOR THE RENOVATION OF THE REMAINING FLOORS OF THE 1912 CENTER, LOCATED
AT 412 E THIRD STREET, PER MOSCOW CITY CODE 4-6-2(E)(6).**

WHEREAS, the applicant filed an application for a variance on July 11, 2019; and

WHEREAS, this matter came before the Moscow Board of Adjustment during a duly noticed public hearing on August 8, 2019; and

WHEREAS, having reviewed the application, including all exhibits entered, and having considered the issues presented:

**THE MOSCOW BOARD OF ADJUSTMENT OF THE CITY OF MOSCOW, IDAHO, AFTER
DUE DELIBERATION AND CONSIDERATION, HEREBY CONCLUDES:**

I. RELEVANT FACTS AND CONCLUSIONS

1. The Board of Adjustment considered the request pursuant to the City of Moscow Zoning Code, Comprehensive Plan, and Moscow City Code.
2. The applicant, Heart of the Arts, Inc., is requesting a Variance to waive additional off-street parking requirements for the renovation and future occupancy of the remaining floors of the 1912 Center.
3. The applicant intends on renovating the remaining 20,000 sf of the building, which encompasses the second and third floors of the building. The ground and first floors of the building have previously been renovated and are currently being used. Adequate parking has been constructed (37 spaces on-site and 30 spaces off-site) for the ground and first floor occupancy.
4. The subject property is approximately 43,200 square feet in size and is bounded by Van Buren Street to the east, Adams Street to the west, Third Street to the south, and Second street to the north.
5. The 1912 Center site is developed with what was once the 1912 Moscow High School. It is adjacent to the current Moscow High School to the south across Third Street, residential uses to the east across Van Buren Street, the McConnell Mansion and the Unitarian Church to the north across Second Street, and the First United Methodist Church and Centennial Annex (Latah County Historical Society Office and Library) to the west across Adams Street.
6. The 1912 Center was originally constructed as the City's second high school by Spokane architect Clarence Hubbell, which was dedicated in 1912. In 1938, a new high school was constructed across Third Street and the 1912 school was adapted for junior high education.

7. Following construction of a new junior high school facility on D Street in 1959, the 1912 school was once again adapted to serve administrative office, teaching and storage needs. In 1993, the school board voted to relocate the district offices and vacate the building, which placed its future in jeopardy.
8. The building was placed National Register of Historic Places in 1992 and was acquired by the City of Moscow in 1998 to serve as a community center.
9. Then on December 14, 2000, the Board of Adjustment approved a Conditional Use Permit (CUP) and Variance request to allow Phase I and Phase II occupancy of the 1912 Center as a community center. Phase I and II involved the remodeling the plaza/subbasement level of the building and the east wing of the ground and first levels of the building for occupancies that would include the Senior Community Meals Program and public and private assembly for rent. At the time, the 1912 Center was located within the R-4 Zone and the occupancies requested required more parking than could be provided on-site.
10. Phase I and Phase II occupancies required a minimum of 60 off-street parking stalls at night and on the weekends, and 30 stalls were required for weekday uses. Only 30 parking stalls were proposed on-site, leaving a deficit of 30 parking stalls which would be accounted for at a proposed off-site parking lot on the east side of Jefferson Street, between Second and Third Street. The Zoning Code at the time required a CUP for off-site parking and/or joint use parking. Therefore, the CUP request was to allow the 1912 Center to satisfy a 30 space portion of their off-street parking requirement for their nighttime and weekend uses on the Jefferson Street parking lot, which contained 30 spaces.
11. The Variance request in the year 2000 was to accommodate parking on the 1912 Center at 412 East Third Street. The approval of the Variance allowed the required parking to be located in the street right-of-way, to allow the required off-street parking to be located in the front and street side yard setbacks, and to allow a reduced Type A landscape buffer adjacent to the parking lot and a two-year delay in planting. As mentioned previously, the Board of Adjustment approved the CUP and Variances on December 14, 2000.
12. Phase I of the project (Great Room, Kitchen and Pall Plaza) opened to the public in October 2001 and Phase II (Senior Center and Friendship Hall) opened in June of 2002.
13. Then on January 21, 2003, Moscow City Council approved a rezone request for a number of institutional buildings in close proximity to downtown. The subject properties that were rezoned contained the Moscow School District High School, the Latah County Courthouse, the 1912 Center, and the First Presbyterian Church.
14. These institutional properties were rezoned from the Multiple Family Residential (R-4) and Residential Office (RO) Zones to the General Business (GB) Zone. The intent of the rezones were to allow the applicants to continue and potentially expand their respective uses as permitted uses instead of special, conditional, or nonconforming uses as they currently exist. At the time, it was Staff's opinion that approval of the requested rezoning would promote the retention of the Courthouse, High School, 1912 Center and Presbyterian Church in their current locations, and that such retention promotes downtown area activity and sense of community centralization and cohesiveness. The historic and existing uses of the subject properties were expected to continue to serve the community where they are and were compatible with the surrounding area land uses.

15. The west wing of the first-floor project was then approved by City Council on December 3, 2007 was opened to the public for use in November of 2008. This project added a public meeting space (The Fiske Room), an arts workshop and a dressing room/restroom to the existing spaces in the facility.
16. Chapter 2 of the Comprehensive Plan, Land Use and Community Character, designates the subject property's Future Land Use as Civic/Institutional. Civic/Institutional designated areas are, *"intended to include properties that are civic or institutional in nature which include but are not limited to educational institutions, government properties, cemeteries, hospitals, fairgrounds, public service and utility facilities, and community/neighborhood centers. Since these areas are dispersed throughout the community, most zoning districts are appropriate for Civic/Institutional designated areas."*
17. The subject property is adjacent to Third Street to the south which is currently designated in the Thoroughfare Plan as a minor arterial. Adams Street, Second Street, and Van Buren Street are currently designated as local neighborhood streets.
18. The subject property is located within the General Business (GB) Zone. The principal purpose of the GB Zoning District is to, "provide for the location and grouping of compatible retail enterprises having the common characteristics of dispensing commodities, providing professional services or providing personal services to the individual, but which do not involve more than incidental or limited assembly, fabrication or storage of commodities. The GB Zoning District is appropriately applied in the following circumstances:
 1. On the periphery of the CB Zoning District where retail uses are appropriate yet the distance to community parking facilities indicates a need for on-site parking.
 2. At dispersed commercial centers where the grouping of retail and office uses is appropriate to serve community or regional needs."
19. As was mentioned previously, in 2003 the 1912 Center property was part of a multi-property rezone to General Business (GB). The rezone was conditioned upon the property owners entering into a development agreement that limited the properties to only uses that were allowed within the GB Zone that were compatible to the adjacent residential neighborhood. The setback requirements were also restricted to the setback requirements of the R-4 Zoning District.
20. The 1912 Center currently has 37 parking spaces developed on-site and another 30 spaces at the Third and Jefferson Street lot which are intended to be available during the evenings and weekends.
21. The applicant is wishing to proceed with renovation of the second and third floors and as part of the building permit process, the applicant is required to demonstrate how they will be satisfying off-street parking requirements. Based upon current parking requirements of the Zoning Code, the 1912 Center is required to provide 180 parking spaces at full occupancy.
22. The parking requirements for a community/neighborhood center use are 1 per 4 seats or 100 inches of bench seating, plus 1 per 100 square feet of open assembly area. Therefore, the applicant has provided proposed floor plans of the entire building and anticipated uses that each room will be used for. The open assembly areas require 1 space per 100 sf and the rooms

and classrooms are calculated based upon the number of seats in the typical room seating arrangement.

23. Since the 1912 Center currently has 67 spaces, with the proposed occupancy of the remaining floors they need a Variance to waive 113 parking spaces. The applicant has provided some supporting documentation about how Heart of the Arts, Inc. plans on managing the building when fully renovated.

BASED ON THE ABOVE RELEVANT FACTS AND CONCLUSIONS, THE BOARD OF ADJUSTMENT OF THE CITY OF MOSCOW HEREBY FINDS THE FOLLOWING RELEVANT CRITERIA AND STANDARDS:

II. RELEVANT CRITERIA AND STANDARDS

1. **Are there special conditions or circumstances that exist which are peculiar to the property (such as size, shape, topography or location) which are not applicable to other properties similarly situated in the same Zoning District?** Ever since the 1912 Center was originally constructed as the City's second high school and was dedicated in 1912, the building has served multiple purposes. In 1938, the school was adapted for junior high education and then following construction of a new junior high school facility on D Street in 1959, the 1912 school was once again adapted to serve administrative office, teaching and storage needs. The building was placed National Register of Historic Places in 1992 and was acquired by the City of Moscow in 1998 to serve as a community center. Variances and a Conditional Use Permit were then approved in 2000 to accommodate parking on-site, as well as off-site at a parking lot at Third and Jefferson Streets. The Variances and CUP that were approved in 2000 allowed the remodeling of the ground and first floors of the building and the construction of the on-site parking lot. The 1912 Center has been meticulously remodeled in its original form and the lot upon which the building sits has been developed with as much parking as can fit within the parameters of the City's parking lot development standards. The Board finds that in order to adaptively reuse the 1912 Center building, which is on the National Register of Historic Places, that a variance is needed to waive additional off-street parking spaces for the second and third floors. The Board finds that the building serves a substantial benefit to the citizens of Moscow as a community center and the variance will ensure that the remaining floors of the building are allowed to be adaptively reused.
2. **Because of the aforementioned special conditions of the property, would application of the provisions of the Zoning Code impose undue hardship and deprive the property owner of rights commonly enjoyed by owners of other property similarly situated in the same Zoning District?** The 1912 Center was originally constructed in 1912 and is on the National Register of Historic Places. The building has served many uses over the years, most of which required no parking be provided. The applicant has developed as much parking on-site as is possible, and has also acquired off-site parking within 500 feet of the subject property. At full occupancy, the building still requires 113 additional parking spaces which are unachievable to develop on-site or off-site within 500 feet. Therefore, it would be an undue hardship to not allow the remaining floors of the building to continue to be adaptively reused

as a community center. The applicant has remodeled the building within the original footprint that was constructed in 1912 and has preserved its historical integrity.

3. **Will the granting of the Variance be in conflict with the public interest or injurious to the property or persons in the vicinity of the subject property?** The Board finds that it is in the public's interest to approve the Variance in order to allow the adaptive reuse of the remaining floors as a community center. The public receives substantial benefit from having such a facility for all citizens to be able to use. The 1912 Center is located in an area close to the core of town amongst other institutional buildings, which provides a centralized location that is accessible everyone.

III. DECISION

Based on the above Reasoned Statement of Relevant Criteria, the City of Moscow Board of Adjustment approves the application for a Variance to waive one-hundred and thirteen (113) additional off-street parking spaces for the renovation and future occupancy of the remaining floors of the 1912 Center at 412 East Third Street with no conditions.

PASSED BY THE BOARD OF ADJUSTMENT OF THE CITY OF MOSCOW THE _____
OF _____, 2019.

Mark Monson, Vice Chair
Board of Adjustment